

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOHN DOE,

Plaintiff,

VS.

RICHARD W CARTER, *et al*,

Defendants.

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CIVIL ACTION NO. C-10-290

OPINION AND ORDER OF TRANSFER

This is a civil rights action filed by a Texas state prisoner. Plaintiff John Doe is currently assigned to TDCJ's McConnell Unit in Beeville, Texas, but his complaint involves events which occurred while he was assigned to the Allred Unit in Iowa Park, Texas (D.E. 1). In his complaint, plaintiff complains of sexual assault by a TDCJ guard at the Allred Unit, which is located in Wichita County, Texas.


A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought in (1) a judicial district where any defendant resides, if all defendants reside in the same state, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). In addition, for the convenience of parties and witnesses, and in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. § 1404(a).

In this case, the events about which plaintiff complains occurred in Wichita County, and defendants Carter and James, as well as other witnesses to the events are located there (D.E. 1). Wichita County lies within the Wichita Falls Division of the Northern District of Texas. 28

U.S.C. § 124(a)(6). The interests of justice would be served by a transfer to the Wichita Falls Division of the Northern District of Texas.

Accordingly, it is ordered that this case be transferred to the United States District Court for the Northern District of Texas, Wichita Falls Division. All scheduled hearings are canceled.

SIGNED and ORDERED this 7th day of October, 2010.



Janis Graham Jack
United States District Judge